

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KANDY LYNN PEREZ,

Plaintiff,

v.

Case No. 18-CV-999

BP KENOSHA TRAVEL PLAZA, LLC,

Defendant.

REPORT AND RECOMMENDATION SCREENING THE COMPLAINT

On June 29, 2018, Kandy Lynn Perez filed a complaint against her former employer, BP Kenosha Travel Plaza, LLC. (Docket # 1.) Perez alleges that she was unlawfully terminated from her employment. Perez also filed a motion for leave to proceed without prepayment of the filing fee (*in forma pauperis*). (Docket # 2.) In an order dated July 3, 2018 (Docket # 3), I found Perez had sufficient assets to pay the \$400.00 filing fee and thus denied her motion for leave to proceed without prepayment of the filing fee. I also found, however, that her complaint (in its current form) failed to state a colorable cause of action. Perez was given until July 17, 2018 to pay the \$400.00 filing fee. Further, Perez was told that if she wanted to proceed with this lawsuit, she must file an amended complaint that properly states a cause of action against the defendant. Perez was warned that failure to timely submit her filing fee and/or if her amended complaint fails to cure the deficiencies outlined in the order, the action would be dismissed.

To date, Perez has failed to pay the \$400.00 filing fee or file an amended complaint. Therefore, I recommend that this action be dismissed without prejudice.¹

NOW, THEREFORE, IT IS RECOMMENDED that this action be **DISMISSED**.

Your attention is directed to General L.R. 72(c), 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Criminal Procedure 59(b), or Federal Rules of Civil Procedure 72(b) if applicable, whereby written objections to any recommendation or order herein, or part thereof, may be filed within fourteen days of the date of service of this recommendation or order. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Courtesy paper copies of any objections shall be sent directly to the chambers of the district judge assigned to the case. Failure to file a timely objection with the district court shall result in a waiver of a party's right to appeal. If no response or reply will be filed, please notify the Court in writing.

Dated at Milwaukee, Wisconsin this 23rd day of July, 2018.

BY THE COURT

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge

¹ Because the defendant has not yet appeared and had an opportunity to consent or refuse magistrate judge jurisdiction, I issue a report and recommendation regarding the screening of Perez's complaint. *See Coleman v. Labor and Industry Review Commission*, 860 F.3d 461(7th Cir. 2017).